



"The City With a Heart"

Sujendra Mishra, *Chair*
Rick Biasotti, *Vice-Chair*
Bob Marshall, Jr
Mary Lou Johnson
Kevin Chase
Perry Petersen
Joe Sammut

AGENDA

PLANNING COMMISSION MEETING

February 21, 2012
7:00 p.m.

Meeting location: Senior Center, 1555 Crystal Springs Road, San Bruno

Planning Commission meetings are conducted in accordance with Roberts Rules of Order Newly Revised. You may address any agenda item by approaching the microphone until recognized by the Planning Commission Chair. All regular Planning Commission meetings are recorded and televised on CATV Channel 1 and replayed the following Thursday, at 2:00 pm. You may listen to recordings in the Community Development Department. Complete packets are available online at www.sanbruno.ca.gov and at the library. In compliance with the Americans with Disabilities Act, individuals requiring reasonable accommodation for this meeting should notify us 48 hours prior to meeting. Notices, agendas, and records for or otherwise distributed to the public at a meeting of the Planning Commission will be made available in appropriate alternative formats upon request by any person with a disability. Please make all requests to accommodate your disability to the Community Development Department 650-616-7074.

ROLL CALL

PLEDGE OF ALLEGIANCE

1. APPROVAL OF MINUTES: January 17, 2012

2. COMMUNICATIONS

3. PUBLIC COMMENT ON ITEMS NOT ON AGENDA: Individuals allowed three minutes, groups in attendance, five minutes. It is the Commission's policy to refer matters raised in this forum to staff for investigation and/or action where appropriate. The Brown Act prohibits the Commission from discussing or acting upon any matter not agendaized pursuant to State Law.

4. ANNOUNCEMENT OF CONFLICT OF INTEREST

5. PUBLIC HEARINGS Note: If you challenge the below actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

A. 1000 National Avenue, Apt. G6 (APN 020-013-330)

Zoning: PD

Environmental Determination: Categorical Exemption

Request for a Use Permit to allow a large family daycare operation in a Planned Development residential apartment per Section 12.84.200 of the San Bruno Zoning Ordinance. Raquel Duran (Applicant) Archstone San Bruno, LLC (Owner) **UP-12-001**

B. 555 El Camino Real (APN: 020-256-330)

Zoning: 0

Environmental Determination: Categorical Exemption

Request for a Temporary Use Permit to allow a construction staging area in a parking lot per Section 12.84.030 of the San Bruno Municipal Code. J.J Nguyen, Inc. (Applicant) City of San Bruno (Owner), **TUP-12-001**

6. DISCUSSION

A. CITY STAFF DISCUSSION

- **Select the March 15, 2012 Architectural Review Committee members**
- **Update on Development Activity**

B. PLANNING COMMISSION DISCUSSION

7. ADJOURNMENT

The next regular Planning Commission Meeting will be held on March 20, 2012 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.



"The City With a Heart"

Perry Petersen, *Chair*
Joe Sammut, *Vice Chair*
Rick Biasotti
Mary Lou Johnson
Kevin Chase
Sujendra Mishra
Bob Marshall, Jr,

MINUTES PLANNING COMMISSION MEETING

January 17, 2012

7:00 p.m.

Meeting location: Senior Center, 1555 Crystal Springs Road, San Bruno

CALL TO ORDER at 7:02 pm.

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Petersen	X	
Vice Chair Sammut	X	
Commissioner Biasotti	X	
Commissioner Marshall		X
Commissioner Mishra	X	
Commissioner Chase	X	
Commissioner Johnson	X	

STAFF PRESENT:

Planning Division: Community Development Director: Aaron Aknin
City Attorney: Marc Zafferano
Associate Planner: Laura Russell
Assistant Planner: Matt Neuebaumer
Contract Associate Planner: Tony Rozzi
Recording Secretary: Shauna Williams

Pledge of Allegiance: Commissioner Mishra

1. Approval of Minutes – December 6, 2011

Motion to Approve Minutes of December 6, 2011 Planning Commission meeting.

Sammut/ Biasotti

VOTE: 6-0
AYES: All Commissioners Present.
NOES: None
ABSTAIN: None

2. Communication

E-Packets are available on line at www.sanbruno.ca.gov

Draft Transit Corridor Plan is available on line at www.planbruno.org

3. Public Comment - None

4. Announcement of Conflict of Interest - None

5. New Business

Capital Improvement Budget for Fiscal Year 2011-2012

Consider adoption of a Resolution confirming review of the 2011-2016 Five Year Capital Improvement Program and 2011-2012 Capital Improvement Program Budget and its conformance with the San Bruno General Plan.

CD Director Akinin: Entered staff report.

Chair Petersen asked Commission if there were any questions for staff.

Commissioner Biasotti: The section under the Parks and Recreation heading proposes adding some sustainable, natural features to the creek that runs near City Park. I would like to recommend that the city use some type of catchment system to use as irrigation for the park.

Public Comment opened.

None at this time.

Public Comment closed.

Motion to Adopt Resolution 2012-01 finding the 2011-2016 Five Year Capital Improvement Program and 2011-2012 Capital Improvement Program Budget is in conformance with the General Plan.

Commissioner Chase/Biasotti

VOTE: 6-0

AYES: All Commissioners present.

NOES: None

ABSTAIN: None

6. Public Hearings

A. 3180 Crestmoor Drive

Request for a Use Permit to legalize un-permitted construction which increases the gross floor area by greater than 50% (60% cumulatively) and exceeds the 44% lot coverage requirement (50%), per Sections 12.200.030.B.1, and 12.200.040.B.3. of the San Bruno Municipal Code. Maria Rhodes (Applicant) & Jose Aphang-Lam & Vivien Kam (Owners) UP-11-014.

Assistant Planner Neuebaumer: Entered staff report.

Staff recommends that the Planning Commission approve Use Permit 11-014 based on Findings of Fact (1-7) and Conditions of Approval (1-24).

Chair Petersen asked Commission if there were any questions for staff.

Commissioner Biasotti: This application is not considered new construction because it has already been built correct?

Assistant Planner Neuebaumer: Correct. This is not new construction.

Chair Petersen: This project was built without a permit?

Assistant Planner Neuebaumer: Yes.

Chair Petersen: Has the city implemented any method to ensure that a building permit will be secured?

Assistant Planner Neuebaumer: I will let the applicant address that question. It is my understanding that the property owner is not going to occupy the structure until the sunroom is legalized.

Chair Petersen: So there is no specific guarantee that the permit will be secured?

Assistant Planner Neuebaumer: There is no specific condition of approval.

CD Director Akin: So far this property owner has been more than willing to comply with all requirements. Our first goal is to always work with people who want to comply and staff will assist them through the process. If for some reason they were to back track, it would fall into a typical Code Enforcement case where the city would issue notices to comply and eventually issue fines on the property.

Chair Petersen: So in essence, you do have a means of enforcing compliance.

CD Director Akin: Yes.

Chair Petersen: The lot coverage is a little higher than the zoning requirements. I feel that one good reason that this is okay is because the enclosed area is entirely circled by the house. So if it was there or not there the essential lot coverage is the same either way.

Assistant Planner Neuebaumer: Yes.

Chair Petersen: Can we add that language to the Findings of Fact?

Assistant Planner Neuebaumer: Yes.

Commissioner Mishra: I would like to clarify the language on condition #23. *Provide hardwired smoke alarms with battery backup to all bedrooms and hallways.* I thought the smoke alarms only had to be hard wired if the application was for new construction?

Assistant Planner Neuebaumer: I would have to clarify with the Building Official.

Chair Petersen: The battery back up serves a purpose in the event the residence loses electricity.

Commissioner Mishra: I agree, however, my concern is that this structure is already constructed and to have them hardwire smoke alarms would impose a larger cost on the applicant.

Public Comment Opened.

Maria Rhodes; Applicant: I would like to assure the Commissioners that my client fully intends on complying with all the permit requirements and complete this project. I am his realtor and made a commitment to help him through the process of legalizing his new home.

Chair Petersen: That is definitely an extra step for a realtor.

Commissioner Chase: Is the applicant aware of and agree with all the conditions of approval for this project?

Maria Rhodes; Applicant: Yes.

Public Comment Closed.

Motion to approve Use Permit 11-014 based on Findings of Fact (1-7) and Conditions of Approval (1-24) with a revision to Finding of Fact #5 addressing lot coverage.

Commissioner Johnson/ Chase

VOTE: 6-0
AYES: All Commissioners Present.
NOES: None
ABSTAIN: None

Chair Petersen advised of a 10-day appeal period

FINDINGS OF FACT

1. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use.
2. The proposed development will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city given its quality architectural features and its general conformance to a majority of regulations as set forth in the Municipal Code.
3. The proposed development will be consistent with the general plan.
4. The proposed development, as set forth on the plans, and with recommendations by staff, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood.
5. That the general appearance of the proposed building, structure, or grounds will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood.

The overall design of the home will not change as the addition is located on the north side of the property, which is not visible from the public right-of-way. The addition will utilize stucco finish, which is consistent with the existing single-family dwelling and surrounding neighborhood. Staff finds that the addition will be in keeping with the character of the neighborhood and will not be detrimental to the city. Regarding lot coverage, staff finds that there is still a large amount of open space. Specifically, the subject property has a 20'-6" rear yard with a 128 square foot rear deck, and a 19'-4" front yard. Additionally, the sunroom is surrounded by the existing single-family dwelling on three sides and a result will not have a negative impact on overall lot coverage. Furthermore, the on street parking in the area should not be negatively impacted, as the existing two-car garage will be able to accommodate two vehicles in a side by side fashion.

6. The proposed expansion complies with applicable off-street parking standards of the City of San Bruno Zoning Ordinance.

7. That any proposed single-family or two-family dwelling conforms to the basic design principles of the residential design guidelines as adopted by resolution by the city council and as may be revised from time to time.

CONDITIONS OF APPROVAL

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 11-014 shall not be valid for any purpose. Use Permit 11-014 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the Summary of Hearing shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on January 17, 2012 labeled Exhibit C except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. The rental of a room does not qualify as a secondary dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. The residence must have the ability to park the required number of vehicles in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the carport back into conformance.
8. Prior to securing a building permit, the applicant, owner, and general contractor shall meet with Planning and Building staff to ensure compliance with the conditions of approval during the construction process.
9. Prior to Final Inspection, 15% of the site shall be landscaped to the satisfaction of the Community Development Director. Applicant shall submit a landscaping plan at the time of Building Permit Submittal. No more than 80% of the lot shall consist of impervious surface.
10. Prior to Building Permit issuance the application shall reinstate and pass all final inspections associated with Building Permit # B0808-0030.

11. Please note that the front property line is located 5.5 feet behind the sidewalk at Crestmoor Drive. No fences, retaining walls, or other permanent structure shall be placed or constructed within 5.5 feet from back of sidewalk. S.B.M.C. 8.08.010.
12. The Applicant shall provide flow line diagrams for cold water lines, hot water lines, gas lines, and sanitary sewer lines to include all existing and proposed systems in accordance with the applicable California Building Code 2010.
13. Encroachment Permit from Public Works Department is required prior to commencing any work within the City's public right-of-way. S.B.M.C. 8.16.010.
14. All damaged curb, gutter, sidewalk or driveway in the public right-of-way fronting the property shall be removed and replaced. Remove and replace all damaged and/or broken sidewalk at front of property for all location where there are any raised or offset concrete sections greater than or equal to 3/4 -inch. S.B.M.C. 8.12.010.
15. Planting of one 36-inch box size approved tree or payment to the in-lieu replacement tree fund per most current fee schedule is required. Tree shall be located on Crestmoor Drive. S.B.M.C. 8.24.060. At the current rate, the impact payment required is \$540. A separate tree-planting permit is required from Parks and Recreation Services for any new street tree.
16. If not present, the applicant shall install a sanitary sewer lateral clean-out at property line per City standards detail SS-01
17. Paint address number on face of curb near driveway approach. Black lettering on white background.
18. Erosion control plan and storm water pollution prevention plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform to the current NPDES requirements. S.B. Municipal Code 12.16.020.
19. Storm water from new and existing roof down spouts and other on-site drainage, shall be collected and drained to an underground storm water system or through an under sidewalk curb drain to the gutter per City standards detail SI-03.
20. The building permit plans shall include a site plan that shows all property lines, setbacks and easements, and all existing and proposed grading and drainage improvements. All unpaved areas shall be graded to slope at 1% or more. All paved areas shall be graded to slope at 0.5% or more. All grading and drainage work shall conform to the current NPDES requirements. S.B.M.C. 12.161.020
21. Perform water demand calculation based requirements in Chapter 7 of the California Plumbing Code to confirm that the existing water service and meter are sufficient to serve water demand. If existing meter is undersized, a new meter is required. Applicant shall pay water and sewer capacity charges based on the size of the water meter installed along with materials and installation of water meter. S.B.M.C. 10.14.020/110.
22. Address numbers shall be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
23. Provide hardwired smoke alarms with battery backup to all bedrooms and hallways.
24. Provide flame arrester for chimney if not currently in place.

7. Discussion

A. City Staff Discussion: The City Attorney gave a presentation on the Brown Act and Conflicts of Interest.

Chair Petersen: We have to attend an ethics training class every two years and in that training we review the Brown Act. Is your presentation different?

City Attorney Zafferano: The reason for my presentation tonight is to provide a short background on some of these topics for all Committees and Boards. I hope for you to obtain a point of reference and understand how I tend to interpret some of these items. It will also allow you to better understand my advice when you ask for it.

Commissioners Johnson, Biasotti, and Mishra volunteered for the February 16, 2012 Architectural Review Committee meeting.

CD Director Akin: After many years, the Pacific Bay Vistas Apartments, formerly Treetops Apartments has finally broken ground for the re-build. It is going to be about a 14-month construction process. They will begin with taking all 13 buildings down to studs, weatherize them and re-roof them. They will then complete about 3 buildings at a time and lease them out and move on to the next 2 or 3 buildings. This will create some residents and income for the apartments. I have already spoken to a few of the residents in the area and they are ecstatic and relieved that the complex is now under construction.

CD Director Akin: Glenview/Crestmoor Update. The Glenview neighborhood continues to rebuild and there are a number of homes nearing completion. We are excited to say that a handful of residents should be occupying their residences within the next month or two.

Commissioner Biasotti: Do we have any Glenview applications coming up in February?

CD Director Akin: Possibly one application.

Chair Petersen: Will the city be taking a close look at the materials being used for the Treetops Apartments.

CD Director Akin: Yes. The inspectors will be inspecting the materials used. The inspectors have been working in San Bruno for ten years now and are very familiar with the weather conditions.

Commissioner Chase: As long as the correct materials are being used this should be an outstanding project.

CD Director Akin: Yes. That is the city's goal to make sure the proper weathering materials are used. We don't want to be in this situation twenty years from now.

Commissioner Biasotti: I am available for any special Architectural Meetings that we may have in February.

Commissioner Mishra: On agenda item #6a on the conditions of approval #12, the reference to the lines diagrams is from the CA Building Code. I think it should be CA Codes of Regulations or the CA Plumbing Code.

**B. Planning Commission Discussion:
Appoint New Planning Commission Chair and Vice-Chair**

Motion to appoint Vice Chair Sammut as Planning Commission Chair and Commissioner Mishra as Planning Commission Vice Chair for 2012.

Commissioner Chase/ Petersen

Vice Chair Sammut: I would like to decline the position of Planning Commission Chair.

Motion to appoint Commissioner Mishra as Planning Commission Chair and Commissioner Biasotti as Planning Commission Vice Chair for 2012.

Commissioner Chase/ Petersen

VOTE: 6-0

AYES: All Commissioners Present

NOES: None

ABSTAIN: None

7. Adjournment

Meeting was adjourned at 7:49 pm

Aaron Akin

Secretary to the Planning Commission
City of San Bruno

Sujendra Mishra, Chair

Planning Commission
City of San Bruno

NEXT MEETING: February 21, 2012

CITY OF SAN BRUNO

COMMUNITY DEVELOPMENT DEPARTMENT



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STAFF

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Laura Russell, AICP, *Associate Planner*
Matt Neuebaumer, *Assistant Planner*
Tony Rozzi, AICP, *Contract Associate Planner*
Marc Zafferano, *City Attorney*

PLANNING COMMISSION

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**PLANNING COMMISSION
STAFF REPORT
AGENDA ITEM NO. 5A
February 21, 2012**

PROJECT LOCATION

1. Address: 1000 National Avenue, Apartment G6
2. Assessor's Parcel No: 020-013-220
3. Zoning District: P-D (Planned Development District)
4. General Plan Classification: High Density Residential

EXHIBITS

- A: Site Location
- B: Site Plan & Floor Plan
- C: Photos
- D: Applicant's Supporting Statement
- E: Property Owner Letter of Support

REQUEST

Request for a Use Permit to allow a large family daycare operation in a Planned Development residential apartment per Section 12.84.200 of the San Bruno Zoning Ordinance. Raquel Duran (Applicant) Archstone San Bruno, LLC (Owner) **UP-12-001**

RECOMMENDATION

Staff recommends that the Planning Commission **approve** Use Permit 12-001 based on the Findings of Fact 1-4, subject to Conditions of Approval (1-22).

REVIEWING AGENCIES

Community Development Department
Fire Department

LEGAL NOTICE

1. Notices of public hearing mailed to owners of property within 300 feet on February 10, 2012.
2. Advertisement published in the *San Mateo Daily Journal*, Saturday, February 11, 2012.

ENVIRONMENTAL ASSESSMENT

This project is Statutorily Exempt per the California Environmental Quality Act (CEQA) Guideline 15274: Large Family Day Care Homes.

EXISTING CONDITIONS

The subject property is located within the Crossing residential development, which is roughly bordered by Commodore Drive to the north and west, El Camino Real to the east and I-380 to the south. More precisely, the applicant resides in the Archstone II Apartment building (formerly known as Paragon) located at 1000 National Avenue, which is located southwest of commercial business space along El Camino Real and surrounded by other high-density residential buildings that comprise the Crossing. This is a four-story multifamily structure with 185 rental apartment units above two levels of parking.

Raquel Duran, owner of Kids and Company Childcare and project applicant, is the tenant of a two (2) bedroom, two (2) bathroom unit of 940 square feet that includes a single parking space in the building's attached garage. The unit is located on the northwest corner of the 1000 National Avenue building on the ground floor.

For the past three (3) years, the applicant has operated a small family day care facility (no more than eight children) within her unit at 1000 National Avenue. The applicant originally operated her small family daycare business from a unit on the second floor and moved to the current location one (1) year ago. The Code Enforcement Division has not received any complaints regarding Kids and Company Childcare at either of the two locations in the building.

SURROUNDING LAND USES

North: Commodore Drive – P-D Zone, Planned Development District

South: Interstate 380 – U Zone, Unclassified

East: National Avenue – P-D Zone, Planned Development District

West: Admiral Court – P-D Zone, Planned Development District

PROJECT DESCRIPTION

The applicant proposes to expand into a large family daycare facility. A use permit is required for a large family daycare facility (more than eight children), as well as approval by the State of California. The applicant currently has four (4) infants that she cares for with the assistance of one staff member. The applicant would like to continue to care for four (4) infants and have the capacity to care for up to four (4) toddlers as well, who typically “age out” of Kids and Company Childcare due to the State limitations on capacity for infant care. As a summary, the State of California capacity requirements are as follows:

Small family daycare facility

- Four (4) infants Only, or
- Six (6) children (no more than three infants), or
- Eight (8) children (no more than two infants and two school-age children).

Large family daycare facility

- Twelve (12) children (no more than four (4) infants) or
- Up to fourteen (14) children if one child is at least six years old and one child is enrolled in kindergarten or elementary school (no more than three infants).

The applicant has proposed to care for children between the ages of three (3) months to three (3) years old. The applicant will operate the large family daycare in the same manner as the former small family daycare. The hours of operation will be from 7:30am to 6:00pm, Monday through Friday. Children will

arrive in the morning between 7:30am and 9:00am and are picked up in the evening between 4:00pm and 6:00pm. Kids and Company Childcare is typically closed on all holidays and for periods during the summer.

Daycare activities are located within the living room, kitchen and second bedroom of the apartment unit. The ground floor unit has an attached porch and rear gate that directly accesses the shared courtyard and nearby playground. The outdoor playground is situated away from the buildings at 1000 National Avenue and 1051 National Avenue, providing some privacy for adjacent neighbors and reducing overall noise levels. All outdoor activities are confined to the shared playground on-site or nearby playground at Commodore Park, approximately one-half mile away.

PUBLIC COMMENTS

Staff and the applicant hosted an on-site, open house on February 6, 2012 from 6 to 7pm to provide a forum for any concerns by surrounding neighbors living in 1000 National Avenue. The open house was advertised throughout the building at major entrances, elevators, the mailroom and adjacent to the applicant's home. There were no attendees.

A mailing of the application's public hearing was also mailed to all property owners within 300 feet of 1000 National Avenue. Staff has not received any responses as of the preparation of this report.

ANALYSIS AND RECOMMENDATION

The San Bruno Zoning Ordinance allows large family daycare facilities in residential zoned districts with the approval of a conditional use permit. The Archstone building at 1000 National Avenue is part of a larger planned development (P-D) zoning district named The Crossing but the building itself is entirely residential in use and functions identical to any other apartment building in high-density residential districts throughout the City. The Crossing development was designed and approved to provide a compact mixture of housing and commercial space. The Navy Site Specific Plan, which has guided the development since construction began in 2002, recommends that residential supportive services such as "child care facilities, retail and service uses" should be encouraged. These guidelines were reinforced by the City's 2009 General Plan, which specifically set goals for community walkability and complementary services for new residential developments.

With these adopted guiding documents in mind, staff visited the property and reviewed the applicant's proposal to determine if a large childcare facility can adequately function within the residential apartment complex. Staff reviewed parent drop-off/pick-up circulation, parking for parents and staff, and outdoor playground access for toddlers.

Unlike typical large daycare facilities that are located in low-density residential districts within the City, this application faces its own unique set of conditions that staff must evaluate. The proposed large daycare facility would be located within a 940 s.f. apartment unit and is eligible for the maximum capacity of 14 children, as allowed under State law for a large facility. As previously mentioned, the applicant currently has four (4) infants that she cares for with the assistance of one staff member. The applicant would like to continue to care for four (4) infants and have the capacity to care for up to four (4) toddlers as well, who typically "age out" of Kids and Company Childcare due to the State limitations on capacity for infant care (maximum of four infants).

Of the current infants, two (2) unrelated infants are residents of the Archstone building and their parents

walk to the ground floor apartment to drop-off and pick-up these children. The other two (2) infants are twins and non-residents. Non-resident parents of Kids and Company Childcare primarily rely on the loading zone parking, located along National Avenue. Additional loading zone parking is located on Commodore Drive and longer-term visitor parking is located adjacent to the Archstone building. This is the location of staff parking, as well. Once parked in the loading zone area on National Avenue, the parents walk approximately 265 feet to the unit's rear patio through an open courtyard to drop-off or pick-up their child rather than entering through the main gated entrance. The applicant typically stages herself or her staff member at the patio location in the morning to facilitate quick, easy drop-offs. The applicant's relocation to the ground floor apartment one year ago has proven to be convenient for non-residents, who primarily utilize the nearby loading parking.

The current parking demand for Kids and Company Childcare is one (1) visitor space for staff and one (1) loading zone space used by non-resident parents for drop-off and pick-up. The applicant has her own, dedicated parking space within the building's garage. In the past, the applicant rented an additional garage parking space for parents to use for drop-off and pick-up but the parking space was rarely used due to the location within the building's enclosed garage. Because the property manager has submitted a letter of support and expressed no concerns for the current or proposed daycare facility, Staff is comfortable with the current parking arrangement.

Outdoors access and play facilities are located immediately adjacent to 1000 National Avenue on the west end of the building. The applicant uses this location for daytime walks with the current group of infants, as well as the larger Commodore Park located approximately one-half mile away. Both of these outdoor park areas provide recreational space for the current daycare facility. As a condition of approval, Staff recommends that only dedicated park areas should be used for recreation. This should prevent toddlers or children from creating any undue noise or hazard for adjacent residents in shared hallways or courtyards, for instance. To date, the property manager does not have any record of complaints related to the operation of Kids and Company.

Based on the project analysis, Staff has included the following Conditions of Approval to resolve or reduce potential traffic, parking and noise concerns:

- Parents and guardians must park in the loading zone or visitor parking spaces when picking up and dropping off their children with a vehicle. Parking in the loading zone shall not exceed ten (10) minutes and parents and guardians shall comply with all traffic laws. (Condition 4).
- All employees shall park in visitor parking or a location approved by the property manager, which may require the applicant to rent an additional garage parking space for each employee. (Condition 5)
- Children shall be supervised at all times while outdoors in dedicated play areas to control noise. Children shall not use public courtyards or building hallways as recreation space (Condition 6).

Additionally, because the applicant is on a waiting list for a ground floor, three-bedroom apartment, staff is recommending a modification to Condition of Approval #3 that provides the Community Development Director with the discretion to allow the large daycare use permit to relocate to a new apartment unit. This approval would require public noticing, a community meeting, and staff review, similar to a new use permit application.

*Pursuant to the City's Zoning Code, the Commission shall grant the Use Permit if it makes the following findings (required findings are in **bold** followed by Staff's analysis of the merits of the project and how the findings can be made):*

1. The proposed facility meets the locational standards of subsection B:
a. Location within a residential district:

The subject property is located within a Planned Development (P-D) zoning district that was zoned by City Council to facilitate the construction of a compact, mixed-use, high-density residential development. Furthermore, the proposed location of the facility is within an entirely residential apartment complex. The Navy Site Specific Plan, which has guided the development since construction began in 2002, recommends that residential supportive services such as "child care facilities, retail and service uses" should be encouraged. These guidelines were reinforced by the City's 2009 General Plan, which specifically set goals for community walkability and complementary services for new residential developments. Considering these conditions, this finding can be made.

b. The proposed facility will not result in undue negative impacts upon the neighborhood vicinity. Factors to be considered shall include traffic, parking, noise and the spacing and concentration of similar facilities within the vicinity of the proposed facility. The Planning Commission may impose reasonable conditions in order to mitigate potential undue negative impacts.

The proposed use will not significantly increase negative impacts with the conditions set forth in this staff report.

As described by the applicant and confirmed during the site visit, the subject property and surrounding area can provide the necessary parking and circulation for the proposed large daycare facility. Staff has included a Condition of Approval that parents or guardians must use the loading zone or visitor parking when dropping off or picking up their children and that loading zone parking cannot exceed ten minutes as requested by the property manager. The applicant will be responsible for including drop-off/pick-up parking information to each parent/guardian upon enrollment. Additionally, parents and guardians shall comply with all traffic laws. This should ensure that the use does not significantly impact surrounding parking or circulation.

To minimize any noise impact, a Condition of Approval has been added that the children shall be supervised at all times while outdoors in dedicated play areas and children shall not use public courtyards or building hallways as recreation space. With these Conditions of Approval, the proposed use will not generate more noise than typical of the active apartment complex.

There are no other large family daycare facilities in the immediate vicinity so concentration is not a concern.

2. The operator of the facility will provide an area on the lot for parking or stopping of vehicles to allow children to be picked up or dropped off.

Staff verified during a site visit that adequate loading zone parking exists for non-resident parents who are dropping off or picking up their children. Additionally, if loading zone parking is occupied, a visitor parking lot is available on the south side of the 1000 National Avenue building. The applicant will be responsible for including drop-off/pick-up parking information to each parent/guardian upon enrollment. The applicant will park her personal car in the attached garage, and current and future employees shall utilize the visitor parking area per the property manager's direction. If visitor parking becomes consistently unavailable, the applicant may be required to rent an additional garage parking space for each employee, at the property manager and Community Development Director's discretion.

3. The proposed facility complies with applicable off-street parking standards of the zoning ordinance.

There are 318 covered and 18 uncovered parking spaces for the Archstone, as required by the approved Planned Development Permit (PDP-04-001) in 2005. Parking spaces are allocated based on the size of the unit and a two-bedroom unit is provided one (1) covered space with the option of renting additional spaces at \$75 per month. Conditions of Approval have been added to require parents or guardians to park in the loading zone or visitor parking when picking up or dropping off their children, and specifying that all employees shall park in the visitor parking as approved by the property manager. In this respect, the proposed facility will comply with the off-street parking standards for this property.

4. The proposed facility complies with applicable building and fire code provisions, and with the applicable building standards adopted by the State Fire Marshal.

Fire Department staff granted conditional approval pending final inspection and Conditions of Approval 9-22.

Recommendation

Staff finds that with the Conditions of Approval, the proposed large daycare facility at 1000 National Avenue, Apt. G6 will not have a significant impact on the surrounding neighborhood. Based on the above analysis and Findings of Fact 1-4, Staff recommends **approval** of Use Permit 12-001 subject to Conditions of Approval 1-22.

FINDINGS OF FACT

1. The use permit to operate a large family day care home is for Apartment G8 located at 1000 National Avenue, which is located in a residential building in a Planned Development zoning district. The use permit to operate a large family day care home will not, with the Conditions of Approval, result in undue negative impacts upon the neighborhood vicinity in terms of traffic, parking, and noise.
2. The operator of the facility will provide an area on the lot for parking or stopping of vehicles to allow children to be picked up or dropped off.

3. The proposed facility complies with applicable off-street parking standards of the zoning ordinance since the subject property contains adequate short-term parking for parents/guardians and dedicated parking for the applicant and her staff.
4. With the Conditions of Approval and pending final inspection, the proposed facility complies with applicable building and fire code provisions, and with the applicable building standards adopted by the State Fire Marshal.

CONDITIONS OF APPROVAL

Community Development Department – (650) 616-7042

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 12-001 shall not be valid for any purpose.
2. Applicant must obtain a business license through the Finance Department.
3. The request for a use permit for a large family daycare home at 1000 National Avenue, Apt. G6 shall operate according to plans approved by the Planning Commission on February 21, 2012, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director. Any relocation to a different apartment unit within the 1000 National Avenue building shall require public noticing, community outreach, staff review, and approval by the Community Development Director.
4. Parents and guardians dropping off and picking up children from the apartment unit must park in the loading zone parking or visitor parking when picking up and dropping off their children. Parking in the designated loading zone areas should not exceed ten (10) minutes per the property manager. The applicant will be responsible for including drop-off/pick-up parking information to each parent/guardian upon enrollment. Parents and guardians shall obey all traffic laws.
5. Current and future employees that drive to work shall park in the visitor parking lot located on the south side of the 1000 National Avenue building. If visitor parking becomes consistently unavailable, the applicant may be required to rent an additional garage parking space for each employee at the property manager's and Community Development Director's discretion.
6. Children shall be supervised at all times when outdoors in designated public park areas to control noise levels. Children shall not use public courtyards or building hallways as recreation space.
7. The applicant shall obtain a license from the State of California to operate a large family day care center.
8. The number of children shall be limited to a maximum of fourteen (14) at any one time, including any children that live at the home.

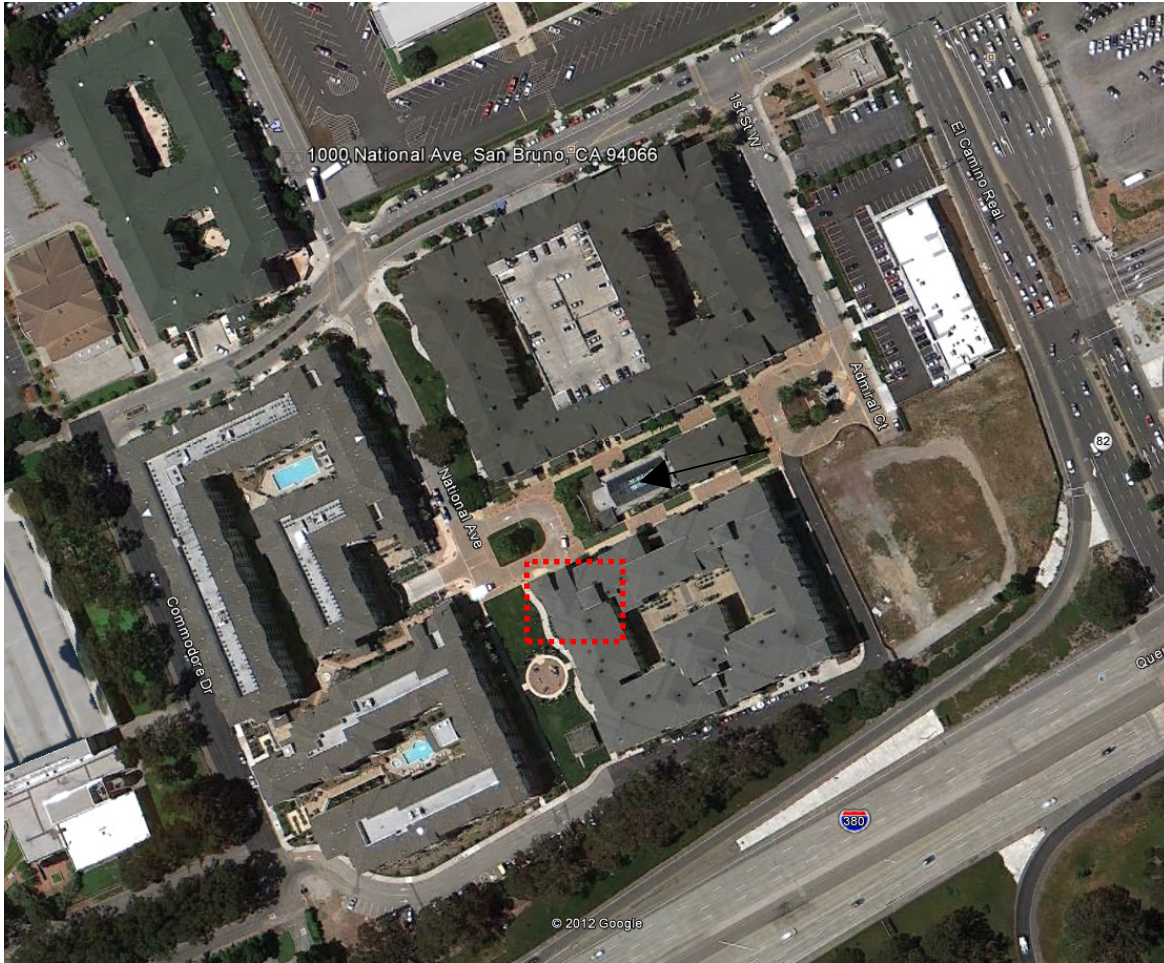
Fire Department - (650) 616-7096

9. Please contact the San Bruno Fire Department to conduct a site inspection once all Conditions of Approval have been met.
10. All licenses and permits shall be kept and posted in a conspicuous location.
11. A portable fire extinguisher having a minimum 2A100BC rating shall be mounted in an accessible location no higher than five (5) feet from the floor. The fire extinguisher is required to be visually inspected on a monthly basis. The fire extinguisher shall be serviced annually by a State Fire Marshal-licensed concern and bear a current service tag.
12. A smoke detector shall be located in each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. Smoke detectors shall be tested monthly. Battery operated detectors must have batteries replaced as needed, not to exceed a period of one (1) year. Smoke detectors shall be installed per manufacturer's installation guidelines and the smoke detector shall not be in service for a period of time to exceed ten (10) years from the date of manufacture.
13. Extension cords shall not be used in place of permanent wiring and shall be used only with portable appliances. Multi-plug adapters, multi-plug extension cords, cube adapters, and other strip plugs and other devices shall not be used.
14. Every story or basement shall be provided with two (2) exits that are remotely located from each other.
15. Obstructions are not permitted in aisles, corridors, stairways and exits.
16. Side gates that are part of the exit path shall be provided with single operation hardware. An example is a string with a handle (at children's level) that is attached to the normal gate latch.
17. A means of exit shall not pass through garages, storerooms, closets or spaces used for similar purposes.
18. Flammable and combustible liquids in quantities in excess of ten (10) gallons shall be stored in a flammable liquid locker or cabinet. Flammable liquids that do not exceed ten gallons shall be stored in approved containers. All hazardous materials shall be stored in an area inaccessible to children.
19. The heating system shall be capable of maintaining a temperature of sixty-eight (68) degrees Fahrenheit.
20. A thirty-six (36) inch clearance shall be maintained around any heat producing equipment or appliances.
21. An emergency evacuation plan shall be developed, reviewed and posted on-site.

22. Fire drills shall be conducted every six (6) months and the records shall be maintained on-site and available for review.

Submitted on 2/10/12 by:

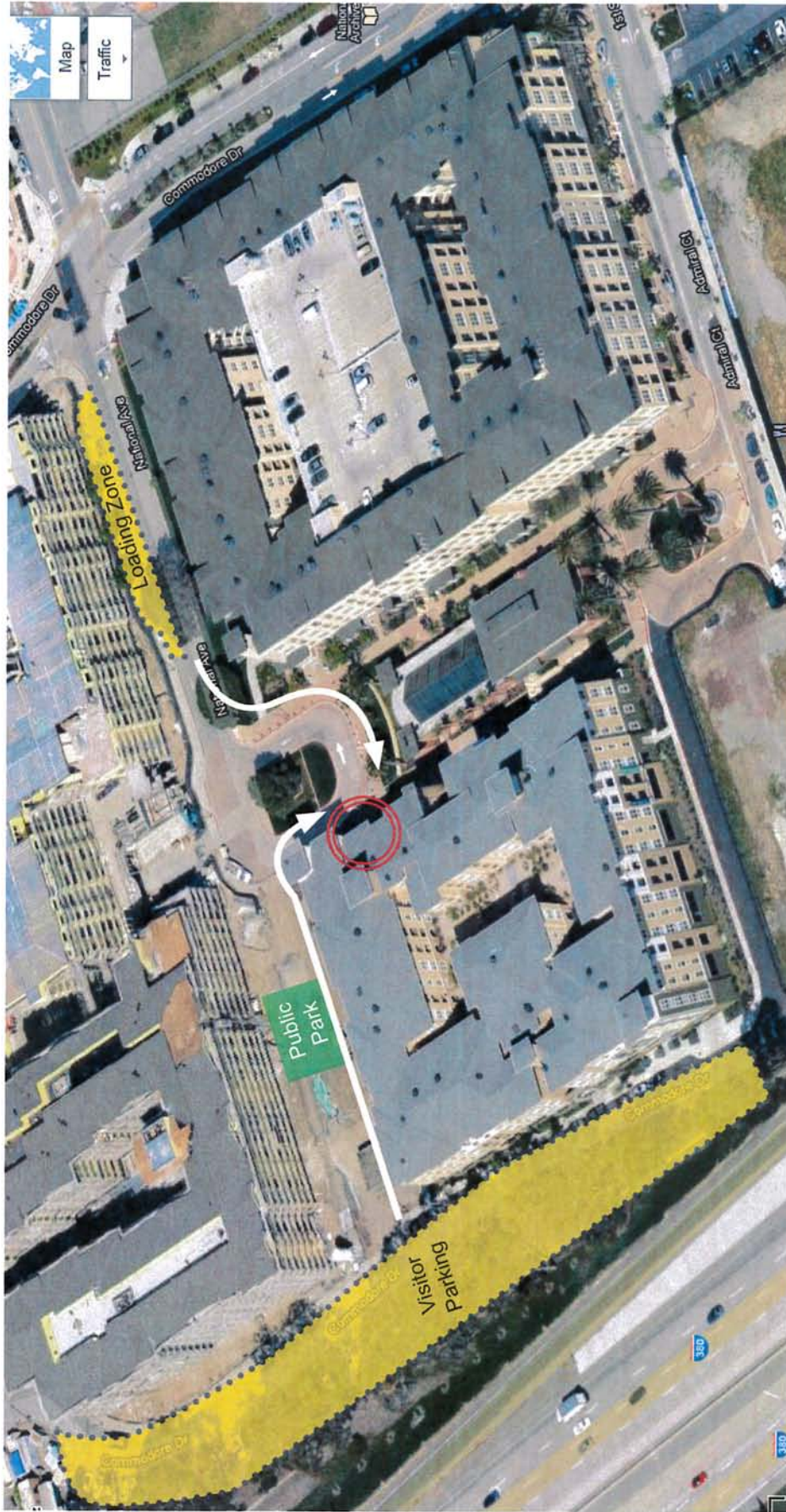
Tony Rozzi, AICP
Contract Associate Planner



**1000 National Avenue, Apt. G6
020-013-220
UP-12-001**

Exhibit A – Site Location

Site Plan of 1000 National Avenue indicating approximate location of “Kids & Company” at the northwest end of the building, loading parking areas for parents on National Avenue, and visitor parking located on the south side of 1000 National Avenue.






-  Proposed Large Daycare Facility - Apartment G6
-  Loading and Visitor Parking
-  Path of travel from parking to proposed facility



Exhibit B – Site Plan

Floor Plan of 1000 National Avenue, Apartment G6

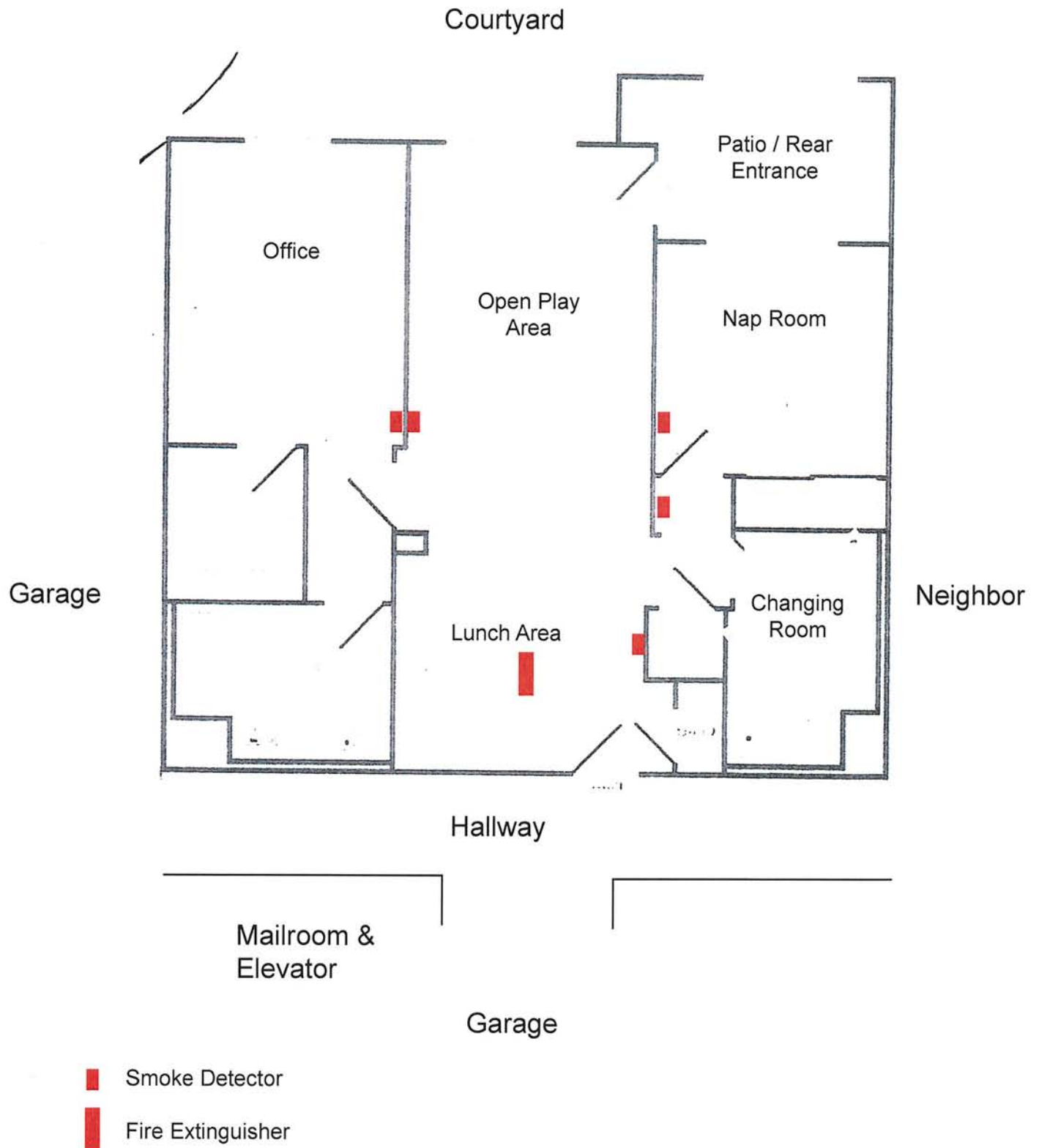


Exhibit B – Floor Plan

Subject Site
1000 National Avenue, Apt. G6

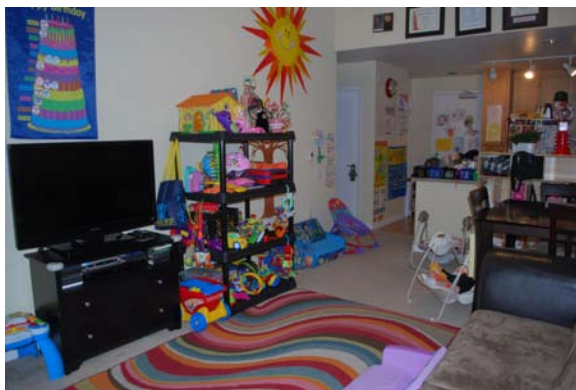


Exhibit C – Photos

Kids & Company Childcare

Raquel Duran - Childcare Provider/Owner #414002782

Email: mykidsandcompany@att.net Site: www.mykidsandcompany.com

1000 National Avenue San Bruno, California 94066 Business: (650) 784-3418

To Whom It May Concern:

My name is Raquel Duran, I live in building two at the Archstone apartments and I provide a community service of Childcare services to many families on the peninsula. I have been a licensed childcare provider in San Bruno for the last four years. I currently provide childcare services to eight families, who travel from areas such as Daly City, Pacifica, South San Francisco, Millbrae, San Bruno, Alameda, San Francisco and San Mateo.

Currently, I have four full-time infants enrolled at my childcare facility. In California a small licensed facility may provide care in one of the three ways: 4 infants; 6 children, no more than 3 of whom may be infants; 8 children, if at least 2 are 6 years and parents are notified per one licensed adult. Kids & Company Childcare has been operating out of the Archstone Community Apartments for the last three years with no complaints from any of my neighbors. In fact, many of our neighbors, especially the elderly enjoy seeing my childcare in action as we are out for our daily walks and play. Kids & Company Childcare has proven to be one of the amenities for my neighbors too. I have provided childcare for six different families at the Archstone over the last three years. I have enthusiastically been offered support from Tiffany Caldwell, the General Manager at The Archstone Leasing office to expand my business into a Large Childcare facility. The leasing office personnel including Tiffanie have sent me many referrals for childcare.

There are five very large apartment complexes and a small private park surrounding my ground floor apartment. I would like to expand my childcare, so that I may operate at Large childcare capacity. A Large childcare may consist of twelve or fourteen children: 8 toddlers and 4 infants or 2 school age, 3 infants and 11 toddlers.

Our typical day consists of four infant children who are cared for by my full-time Assistant and I. We travel to the private park, which is located 25 yards from my door. We also go for walks in the Archstone community in a Kids & Company Childcare custom six seat stroller. The children's parents typically park in the available street parking around the five residential buildings and there are yellow zones to drop off /pick up the children Monday thru Friday. Kids & Company Childcare business hours are from 7:50-5:30 Monday through Friday. We are closed all holidays, Winter break and Summer breaks.

My business plan is to have 4 infants and up to 4 toddler age children enrolled full-time. I would like to apply for my large license at my residence in the Archstone, but I need the help of the San Bruno Community Development Department to approve my service. The Archstone apartments have three loading zones. One is about fifty yards and the other two are about twenty-five yards each.

I look forward to hearing from you in the matter of the expansion of Kids & Company Childcare to a large facility.

Sincerely,



RAQUEL KELLY DURAN

Childcare Provider/Owner

ARCHSTONE



San Bruno City Hall
Tony Rozzi, Community Development
567 El Camino Real
San Bruno, Ca. 94066

January 12, 2012

To whom it may concern,

This letter is to confirm that Kids and Company Child Care does business at this address (1000 National Avenue.) This business and its expansion are strong supported by the management of Archstone San Bruno. We welcome the opportunity to further serve this business in the future.

Warm Regards,



Tiffanie Caldwell, General Manager

Exhibit E – Owner Letter of Support

PROPERTY OWNER/LANDLORD CONSENT**FAMILY CHILD CARE HOME**

Health and Safety Code, Sections 1597.44(d) and 1597.465(d) require, in part, that providers who lease or rent their residence obtain permission from their property owner/landlord when they plan to expand their Small Family Child Care Home capacity from 6 to 8, or their Large Family Child Care Home capacity from 12 to 14. If you plan to expand your capacity as specified, please have your property owner/landlord complete this consent form.*

I Tiffanie Caldwell of Archstone - San Bruno give my consent for
(PRINT PROPERTY OWNER/LANDLORD NAME)

Raquel Duran dba Kids & Company Childcare who resides at
(PRINT APPLICANT/LICENSEE'S NAME)

1000 National Avenue G6 San Bruno, CA 94066 to expand the
(PRINT FACILITY ADDRESS)

- ☐ Small Family Child Care Home capacity from 6 to 8
☒ Large Family Child Care Home capacity from 12 to 14


(PROPERTY OWNER/LANDLORD SIGNATURE)

1/9/12
(DATE)

*Property owner consent is not required if you plan to care for 6 children in your Small Family Child Care Home or for 12 children for a Large Family Child Care Home.

This form must be kept on file at the licensed Family Child Care Home.



567 El Camino Real
San Bruno, CA 94066
Voice: (650) 616-7074
Fax: (650) 873-6749
www.sanbruno.ca.gov

STAFF

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Mark Sullivan, AICP, *Housing and Redevelopment Manager*
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Matt Neuebaumer, *Assistant Planner*
Tony Rozzi, AICP, *Contract Associate Planner*
Marc Zafferano, *City Attorney*

PLANNING COMMISSION

Sujendra Mishra *Chair*
Rick Biasotti, *Vice-Chair*
Kevin Chase
Mary Lou Johnson
Bob Marshall, Jr.
Joe Sammut
Perry Petersen

**PLANNING COMMISSION
STAFF REPORT
AGENDA ITEM NO. 5.B.
February 21, 2012**

PROJECT LOCATION

1. Address: 555 El Camino Real
2. Assessor's Parcel No: 020-256-330
3. Zoning District: O- Open Space
4. General Plan Classification: Public/Quasi-public

EXHIBITS

- A:** Site Location
B: Photograph
C: Site Plan and Applicant Statement

REQUEST

Request for a Temporary Use Permit to allow a construction staging area in a parking lot per Section 12.84.030 of the San Bruno Municipal Code. J.J Nguyen, Inc. (Applicant) City of San Bruno (Owner), **TUP-12-001**.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** Temporary Use Permit 12-001 based on Findings of Fact (1-3) and Conditions of Approval (1-9).

REVIEWING AGENCIES

Community Development Department
Public Services Department

AREA DESCRIPTION

North: El Camino Real, C- Commercial
South: El Camino Real, C-N Neighborhood Commercial
East: El Camino Real, C- Commercial
West: Linden Avenue, R-1 Single family residential

LEGAL NOTICE

1. Notices of public hearing mailed to owners of property within 300 feet on February 10, 2012.
2. Advertisement published in the *San Mateo Daily Journal*, Saturday, February 11, 2012.

ENVIRONMENTAL ASSESSMENT

This project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Existing Facilities.

EXISTING CONDITIONS

The subject property is the City parking lot located south of the fire station at 555 El Camino Real. The parking lot provides parking for City employees during business hours and is available to the public from 5:00 pm to 8:00 am. There are 69 parking spaces, which exceeds typical demand.

The surrounding land uses include public services and a range of commercial businesses. Single-family residences are located across Linden Avenue. A motel and church are located across the street.

PROJECT DESCRIPTION

The applicant is proposing a temporary construction staging area in the southeast corner of the subject parking lot. The applicant proposes to use seven parking spaces for the storage of equipment such as a backhoe, dump truck, and trailer. The applicant would store the equipment when it is not in use on weekdays, and 24 hours per day on the weekends. Barricades, cones, and caution tape would be used to separate the seven parking spaces from the rest of the parking lot.

PUBLIC COMMENTS

Staff mailed the 300' notification on February 10, 2012. No comments have been received as of the writing of this report.

ANALYSIS AND RECOMMENDATION

The Municipal Code was amended in 2007 to clarify that construction staging areas lasting up to one year require a temporary use permit from the Planning Commission. The applicant is currently under contract with the City of San Bruno to complete the next phase of improvements to the center medians on El Camino Real. The same applicant used the area for the previous phase of median improvements in 2009-2010 (TUP 09-004). Staff did not receive any comments during the previous temporary use.

The median landscaping project is expected to be completed in September 2012. However, staff recommends that the temporary use permit be approved through October 31, 2012 to accommodate any unexpected delays. Per the Conditions of Approval, the applicant will have to remove the equipment and stop using the staging area within 14 days of the conclusion of the median landscaping project.

Seven parking spaces are requested to store the necessary equipment. The parking lot has 69 total spaces, which exceeds demand. Staff does not expect any negative impacts from the use of seven parking spaces for construction staging. There were sufficient parking spaces in 2009-2010 when the previous construction staging area was active.

*Pursuant to the City's Zoning Code, the Commission shall grant the Temporary Use Permit if it makes the following findings (required findings are in **bold** followed by staff's analysis of the merits of the project and how the findings can be made):*

- 1. The proposed use will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in**

the neighborhood of such proposed use.

The proposed construction staging area would not be detrimental to the surrounding neighborhood because the proposed use would be temporary and relatively small compared to the subject site. The use of seven parking spaces for the storage construction and landscaping equipment would not impact available parking, as 62 parking spaces would still be available for employee parking. Staff did not receive any complaints about the temporary construction staging area approved in 2009. The proposed staging area is located in the southeast corner of the parking lot, away from nearby residential properties.

2. The proposed use will not be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city.

The proposed project is temporary in nature, so there will not be any lasting impacts to the neighborhood or to the City. Per the Conditions of Approval, the construction staging area would be kept clean. Additionally, the applicant will be required to repair any damage that may occur to the City parking lot. As part of the larger construction project, the applicant is required to comply with best management practices for stormwater pollution prevention. Therefore, staff determines that the project will not be detrimental to improvements in the neighborhood or to the general welfare of the City.

3. The proposed use will be consistent with the general plan.

The San Bruno General Plan designates the site as Public/Quasi public, which permits government offices, public safety facilities, and similar uses. The proposed temporary construction staging area does not conflict with these uses. Furthermore, LUD-43 calls for the maintenance of the landscaped median along El Camino Real. The proposed staging area would serve the contractor working on the median landscaping.

RECOMMENDATION

Based on the above analysis and Findings of Fact 1-3 below, staff recommends approval of Temporary Use Permit 12-001 subject to Conditions of Approval 1-9 below.

FINDINGS OF FACT

1. The proposed use will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use.
2. The proposed use will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city.
3. The proposed use will be consistent with the general plan.

CONDITIONS OF APPROVAL

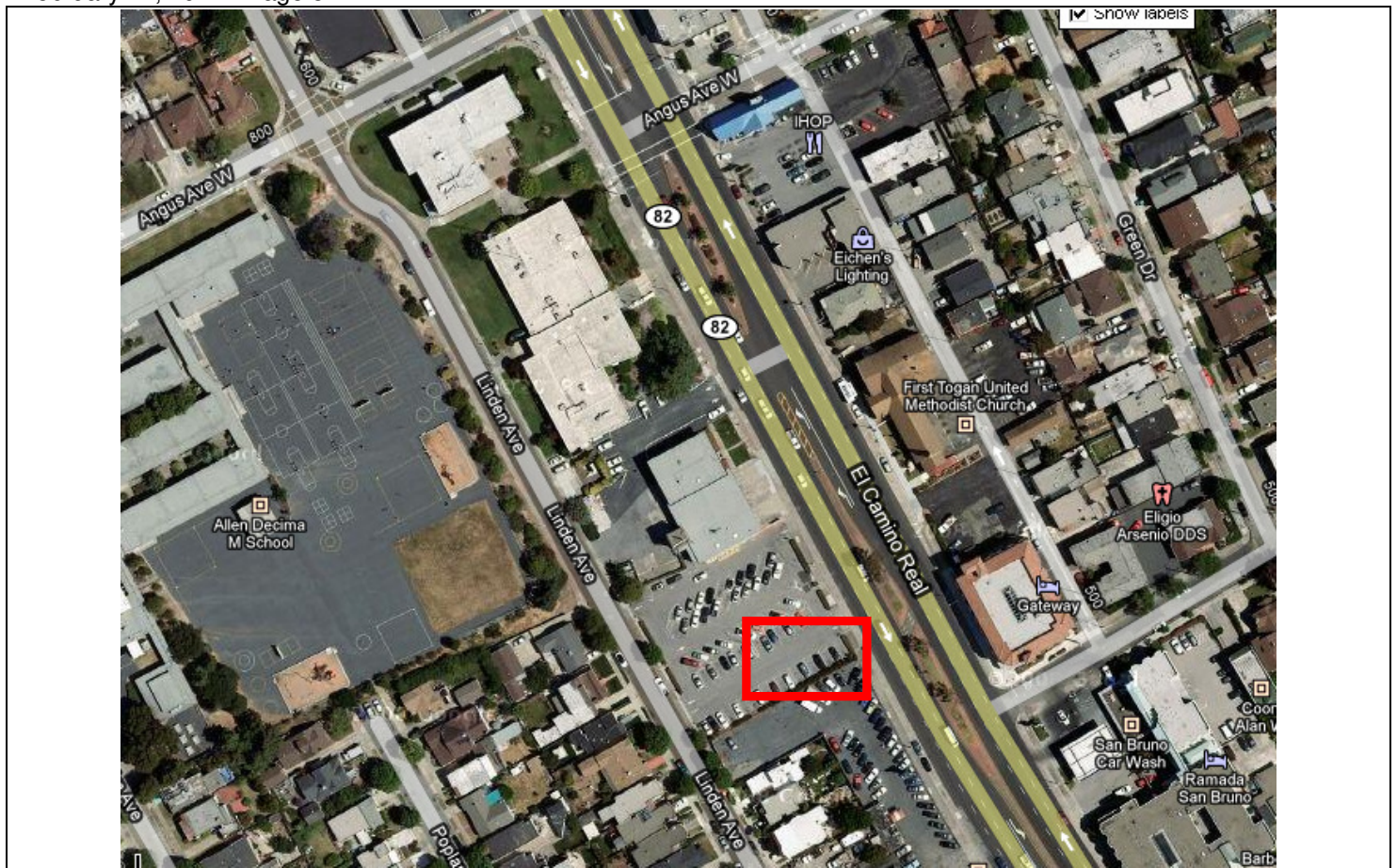
1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Temporary Use Permit 12-

001 shall not be valid for any purpose. Temporary Use Permit 12-001 shall expire on October 31, 2012.

2. The request for a temporary construction staging area shall be operated according to plans approved by the Planning Commission on February 21, 2012, labeled Exhibit C, except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
3. The applicant shall maintain the construction staging area in a clean and orderly condition. Trash, dirt, and debris shall be cleaned on a daily basis.
4. No building materials or plants shall be stored at the site without prior approval from the Community Development Director.
5. No restroom facilities shall be permitted at the staging area.
6. The applicant shall not perform any maintenance of the equipment at the subject site.
7. The applicant shall remove all equipment and thoroughly clean the staging area within 14 days of the conclusion of the median landscaping project.
8. The applicant shall repair any damage to the parking lot in the area used for construction staging at the end of construction.
9. The applicant shall comply with all best management practices for stormwater pollution prevention.

Date of Preparation: February 10, 2012

Prepared By: Laura Russell, Associate Planner



**555 El Camino Real
020-256-330
TUP 12-001**

Exhibit A – Site Location



**Subject Site in 2009
With Equipment Subject to TUP 09-004**

Exhibit B- Photographs



Construction Staging Area
Barricades and yellow caution tape used to enclose area